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Domestic Abuse Orders: risk, vulnerability and training

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Abstract

The use of Emergency Barring Orders (EBO) in the form of Domestic Violence Protection Notices and Orders (DVPN-O) in reported Domestic Abuse (DA) cases is a relatively new development in the UK; the effectiveness of these orders has been challenged. A goal of this study is to examine the factors influencing their issue. Freedom of Information requests were used alongside a survey tool. Practitioners (n=76: mainly police practitioners) were asked about approaches to EBO application, risk, and training around DA. The findings indicate that applications are impacted largely by DASH Risk grading, typically resulting in high-risk cases receiving the most attention. Criticisms suggesting that DVPN-Os are of limited use receive some support from this study; however, as their use is restricted to these higher risk cases the full effect of the orders may be limited. The most important factors in decision making are the level of: physical violence; repeated victimization; and the victims support for a DVPN-O. Police intelligence and the presence of children also have an effect on risk ratings. Less importance was given to lower risk graded cases, wider intelligence from family members, and information from social networks. Findings also indicate that Police training is largely limited to ‘on the job’ experience, e-learning and e-mail bulletins. Respondents proposed that training could be enhanced through victim stories, cross-discipline approaches and wider knowledge beyond isolated specialisms. A number of recommendations are made in line with: (1) structuring professional judgement; (2) using victim accounts in Police training; (3) movement towards an evidence-led approach.

Keywords: *Domestic Abuse, DVPN, DVPO, Civil Orders, Courts.*

Situating the Response to Domestic Abuse

Internationally there are varied responses to Domestic Abuse (DA) but within UK law protecting victims where a prosecution is not being pursued has attracted considerable attention (Bessant, 2015). Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) were introduced to all police forces across England and Wales in 2014 to respond to calls to better protect victims (Kelly et al., 2013). However, since their introduction, little research has been undertaken to examine their effectiveness (Smith, 2016). In *Osman v United Kingdom* (1990) 1 FLR 193, and Article 2 of the European Convention on Human Rights, there is an obligation upon the state to protect individuals from threats to their lives posed by third parties, where 'the authorities knew or ought to have known of a real and immediate risk to the life' of that identified individual; this is often cited in matters of threat prevention and intelligence, but is relevant to DA along with *Opuz v Turkey* (2010) 50 EHRR 28 [72–82] (Bessant, 2015). *Opuz* demonstrates that poor attitudes to protecting victims can lead to international sanctions on state Policing administration. The UK DA Bill proposed that such orders and notices will form an important part of future interventions alongside stricter sanctions for breaching orders, and wider opportunities for agencies other than the Police to make EBO's applications are planned (HM Government, 2019). Understanding factors influencing applications for such orders is key to maximizing their utility, and may prove valuable both within the UK and beyond; especially within internationally developing legal systems where interim protective orders could become a legal option.

DVPOs form part of measures under the Crime and Security Act (CSA, 2010). They are designed to secure an emergency, but temporary period of protection for victims in the immediate aftermath of a DA incident, and for up to 28 days. The policy gives little guidance as

to when an order should be issued; the threshold is relatively low: reasonable belief in a threat of violence will suffice, neither actual violence nor a history of violence is required (Burton, 2015). The Home Office insist that DVPOs form important interim protection for victims, however an initial pilot concluded little impact or deterrence (Kelly et al., 2013). There is currently insufficient data to draw any meaningful conclusions despite the orders having been available for several years. Benitez et al. (2010) highlight: “*available research supports the conclusion that there is a substantial chance that a protection order will be violated and the risk is greatest soon after its initiation*” (p 384).

Prior to the introduction of DVPOs prosecution intervention choices were limited and without legally constructed frameworks (Burton, 2015). The CSA relies upon the scope of the Magistrates’ Courts Act 1980 to deal with non-compliance with the sanctions limited to small fines or short prison sentences. These penalties are anecdotally reported to be ineffective. In the future, the plan is to respond to breaches with criminal sanctions, a development that is intended to address concerns over their effectiveness (HM Government, 2019). The notices and orders set prohibitions that, in effect, bar a suspected perpetrator from contacting the victim or returning to a victim’s home (even when that home is shared with the perpetrator: Kelly et al., 2013). Kropp and Heart (2015) suggest that destabilisation of living circumstances alone may have an adverse impact for perpetrators. They argued that orders are best used when combined with other mechanisms which may include, but is not restricted to: (1) referrals to DA mediation services; (2) conflict resolution through victim support; (3) close police-victim management. Future options may include perpetrator programs with a focus on building healthier relationships (HM Government, 2019). The legislative intention is to find ways to improve the efficacy of these orders, in response to DA, and create a comprehensive option to traditional approaches.

Controversy persists, with some authors asserting that the perceived gap within the protection of DA victims is not a legitimate one, proposing that victims remain best served by traditional methods of justice such as arrest and criminal charges (Crompton, 2014). However, there is a distinct need to protect victims in the face of obvious threats where an arrest cannot be made, a claim supported by both *Osman* and *Opuz*. Prosecutions often focus on isolated matters with little reference to antecedents, or context, and are based on ill-informed risk assessments (Bishop et al., 2017). Approaches to risk assessment around violence usually take one of three forms: (1) unstructured professional judgement - characterized by intuitive or experiential decision approaches; (2) actuarial decision-making– usually involving psychometric testing or testing with instruments; and (3) structured professional judgment– characterized by well-developed guidelines (Kropp and Hart, 2015). As there is no well-developed and tested guidance for DVPOs, and no accurate psychometric instrument for DA, it is proposed that decision making in DA follows unstructured professional judgement. This can result in varied applications. The standard tool considered by most Police forces for DA is the Domestic Abuse Stalking Harassment (DASH); a tool which is found to be underperforming and weakly predictive of re-victimization (The DASH is a victim-based question based assessment tool, see Turner et al., 2019 for a full discussion on DASH).

Previous research has not focused on factors which may impact applications for DVPOs and risk, nor what impact the DASH has on risk decision making and DVPO application (Smith, 2016; Kelly et al., 2013). Given the obvious need, under *Osman*, to protect victims from identified risks, the implementation of the DVPO as a response to risk situations, needs to be understood including the potential for further violence as identified through intelligence, investigation, or from victims themselves. Evidence suggests that DVPOs reduce re-

victimization where successfully applied and managed throughout their time of implementation (Woodhouse and Dempsey, 2016). Information about the national use of DVPN/O's is not published but has a role to play in developing an understanding of when, how and in what situations they have been issued. The aim of this study was to understand the number of orders issued nationally in the UK, and explore Police decision making underpinning their issue.

Method

The study involved two stages, the first stage involved the use of Freedom of Information requests to gather data about the use of specific orders across England and Wales. The second stage was to explore the experiences of practitioners in their use of orders.

Stage One: Freedom of Information Requests

Freedom of Information requests (FOI) were made to each of the 43 Constabularies in England and Wales. Constabularies record some data but not all in relation to specific orders; where data existed, it was sometimes mixed with other DA data. This data is rarely mined due to significant problems in retrieval and costs (Smith, 2016). FOI requests were made in July 2017 and subsequently in January 2019. Constabularies were asked to disclose data in respect of: (1) DVPNs issued in the twelve month period between January 2016 and December 2016, repeated for January 2018 to December 2018; (2) DVPN applications leading to successful DVPOs where ratified by the courts within the same period; (3) DVPOs breached within these same periods; (4) breach cases with an arrest made of the perpetrator; (5) the gender of the perpetrator in all cases where a DVPN was issued; (6) the gender of the victim in all cases where a DVPN was issued.

Findings

Table 1 demonstrates the variations between Constabularies.

Table 1: National FOI Data on DVPN-O Frequency, reported breaches and resulting arrests.

	Total number of DVPN(s) issued by Police		Total DVPO(s) granted by Court		Breach of DVPO reported to Police		Breach cases reported where arrest was made	
	2016	2018	2016	2018	2016	2018	2016	2018
<u>Constabulary Area</u>								
Bedfordshire	35	-	31	-	8	-	8	-
Cheshire	159	131	148	124	28	31	28	31
Cleveland	-	35	0	37	0	3	0	3
Cumbria	29	33	25	31	2	12	2	12
Derbyshire	79	243	78	190	22	32	22	32
Durham	55	34	50	34	9	2	9	2
Essex	0	217	0	192	0	38	0	38
Gloucestershire	8	42	6	38	0	6	0	6
Greater Manchester	402	473	386	441	58	65	-	64
Hampshire	28	-	21	-	2	-	-	-
Hertfordshire	177	35	158	32	23	8	-	7
Kent	270	96	228	74	47	14	47	14
Lancashire	105	65	99	54	27	17	27	17
Lincolnshire	75	-	66	-	29	-	18	-
Merseyside	482	559	451	532	41	91	41	91
Northumbria	-	407	-	319	0	71	0	71
Norfolk	22	50	20	46	6	13	6	13
Northamptonshire	179	92	146	81	49	16	49	16
South Yorkshire	65	360	57	316	16	58	16	58
Staffordshire	333	120	299	-	78	-	-	-
Suffolk	18	-	17	-	5	-	5	-
West Mercia/Warwi	219	169	109	112	-	26	19	26
West Yorkshire	264	274	63	210	32	93	32	80
Wiltshire	35	36	25	31	4	7	4	7
Dyfed-Powys	32	61	32	59	7	13	4	13
North Wales	51	-	46	-	13	-	13	-
South Wales	130	106	111	76	-	2	-	2
Total:	3,252	3,638	2,676	3,029	506	362	606	603

Note: FOI applications were sent to all 43 forces in England and Wales. Absent force data or force(s) denotes that data was not provided due to the cost of retrieval, a failure to record the data, or no response from the force.

The FOI data shows that of the 27 forces responding to the FOI request, ten reported a decrease in their use between 2016 and 2018, with ten forces also reporting an increased use. Whilst the number of orders breached decreased there was an almost equal number of arrests. This demonstrates a lack of parity in forces using the DVPN/O as an intervention in response to DA. Overall, between 2016 and 2018, there was an increase in DVPN's by 10%. However, the difference between the numbers of DVPN's issued, and those ratified as DVPOs within courts was 19%, with fewer orders being granted than notices issued. This means that applications are being made by the Police but are not being ratified within courts, possibly as a result of poor training, case file preparation, or evidence quality. This could be assessed in future research through examination of case files. The arrest data demonstrates that where the orders are in place, and breaches of the orders are reported, the Police respond in a proactive way to arrest and deal with these violations. However, the violation creates added criminal justice costs, demonstrates perpetrator recidivism and re-victimization.

This FOI data shows that in 2016 and 2018 a total of 6,890 DVPNs were issued within the responding forces. In the most up-to-date cost analysis it is estimated that a DVPN costs £226 per application, if the DVPN/O is contested by the perpetrator the cost of the order increases to £515 each (Smith, 2016). Using this analysis and assuming none of the orders were contested, the baseline cost of DVPN/O use is approximately £1.5m. However, if the same number of orders were contested the cost is approximately £3.5m. It is important to note that these are not one-off costs, they do not include the costs incurred from investigators attending courts or any enforcement of the orders themselves. The actual cost per order would be dependent upon the level of intervention and associated activity (Ashley, 2013). However, an average baseline cost of victimization and traditional justice response is suggested to be £5,898.

Using this analysis, if the 6,890 DVPN's were replaced by traditional justice responses then the cost would be approximately £40.4m. Applying a purely fiscal argument, it is clear that costs would be significantly reduced if officers were trained in the consistent use of orders. To understand how practitioners apply orders and the barriers to consistency an electronic survey was developed and deployed.

Stage Two: Electronic Practitioner Survey

Participants and Procedure.

Alongside the FOI data an electronic questionnaire was used to assess the views of practitioners. This questionnaire was circulated to Police Officers and Detectives within five Constabulary areas; two larger metropolitan forces, and three more rural forces with less dense, more sparsely populated areas. This enabled participation from specialist DA units and also front line or initial response Police Officers providing a reasonable representation across rural and urban forces. The questionnaire was also sent via social media to legal and court communities; 76 responses were received from participants with a range of years in service, position and rank. Whilst the majority of participants appear to be from more rural forces, there is a breadth of experience from Police Officers, Detectives and those within specialist vulnerability areas.

Questionnaire Design and analysis strategy.

The questionnaire

There were a total of thirty combined open and closed questions, and Likert scales on themes such as: risk assessment, training, police investigation, court preparedness, and practitioner views about decision making. A Thematic Analysis (TA) was used to examine the qualitative data, the quantitative responses were summarized using percentages. TA is a method which is used to identify themes within data (Braun et al., 2014). In this study the procedure for

data analysis followed six steps: (1) familiarisation with the data; (2) generating initial codes; (3) searching for themes; (4) reviewing themes; (5) defining and naming themes; (6) producing a report (Braun et al., 2014).

Results and Discussion

Quantitative Results

The descriptive analysis revealed that 93.6% agreed or strongly agreed that DA was an organisational priority, giving an indication of the type and nature of the investment by Constabularies in dealing with this problem. The findings from the questionnaire follow three key areas: (1) risk assessment and the DASH toolkit; (2) Policing responses and evidence; (3) Training in support of DVPOs. The results are therefore presented using these headings. The majority of participants (72.4%) agreed or strongly agreed that DVPNs were effective and an almost equal number (69.7%) agreed or strongly agreed that DVPOs were effective. This resonates with previous research findings (Smith, 2016; Kelly et al., 2013), and infers that DVPN/O's are valued by practitioners. How practitioners were determining the value of DVPN/O's remains unknown, the data clearly indicates that they were perceived to be effective.

Factors Influencing Risk and the DASH toolkit.

Previous research amongst Police practitioners has suggested that the application for DVPOs should be encouraged as an option for protecting victims (e.g., Smith, 2016), however the reasons why were however less clear. Findings from the current study suggest that officer decision making is determined by five main risk factors: (1) Likelihood of further harm; (2) Previous violence and level of injury; (3) Risk assessment grading and presence of physical violence; (4) Victim vulnerability and repeat violence perpetration (5) Lack of victim support and compliance with DVPO or willingness to engage. The main themes were further clarified by

sub themes. These were: (a) children a factor within the relationship or present at the time of the incident; (b) threats of violence or harm to others; (c) A belief the DVPN/O would be ineffective; (d) Intelligence or information held by the police. Each of the five main themes feature these sub themes and this can be seen in table 2.

Table 2: Factors Influencing Applications of Orders by Code

Main Code	Likelihood of further Harm	Previous Violence and level of Injury	Higher risk assessment grading and physical violence	Victim vulnerability and repeat violence perpetrated.	Lack of victim support and compliance with DVPO or willingness to engage.
<i>Sub Code</i>					
Children a factor within the relationship or present at the time of the incident	<i>"...likelihood of harm...seriousness of harm, children..."</i>	<i>"...Kids and previous calls..."</i> <i>"...Children the level of injury or violence..."</i>	<i>"Physical violence, threats to kill...children in the family"</i>	<i>"...history of the victim failing to engage. When there are children involved..."</i>	<i>"...harm vulnerable persons Victim non-compliance with agencies... unwillingness to engage...children"</i>
Threats of violence or harm to others	<i>"Risk of further DA -violence or threat of violence"</i>	<i>"...Injury and number of times reported..."</i>	<i>"...case is high risk enough to issue a DVPN..."</i> <i>"...serious assault..."</i>	<i>"...victim, ability engage...coercive and controlling elements"</i>	<i>"...level of violence would determine the issuing of a DVPN...would [victim] contact the police if it was breached".</i>
A belief the DVPN/O would be ineffective.	<i>"...likelihood of a further incident. Risk of reconciliation..."</i>	<i>"... [Offender] continue his behavior or whereby a Victim downplays..."</i>	<i>"...DASH. Vulnerability of victim Progression/ escalation of offending behavior..."</i>	<i>"...engagement of the [victim] likelihood that they would contact the emergency services..."</i>	<i>"...They are ignored by the Perp/victim and not enforced by the court..."</i>
Intelligence or information held by the police.	<i>"...likelihood of violence being used by offender...repeat victims..."</i>	<i>"...any previous domestic abuse with previous partners..."</i>	<i>"... [Police] history Normally the ones presented are high risk..."</i>	<i>"...first time reporting and low level domestic reports..."</i>	<i>"... [previous] Retaliation by suspect party. Compliance of the Order..."</i>
Total (n) Coded data	7	28	13	9	5

Source: Qualitative data, question 10: What are the risks you would consider relevant in relation to the issuing of a DVPN?

The two key themes, most frequently described, were themes two: previous violence and level of violence (n = 28) and three: higher risk grading and physical violence (n = 13). Understanding previous violence and level of violence as being a key risk factor informs wider approaches to DA, and may also explain why some non-physical DA policing responses fail to receive higher risk grading. Police officers are found to under-predict re-victimization by a significant margin (Turner et al., 2019) and have a greater focus on events immediately available to them (Robinson et al., 2018). Given that most Policing responses to DA follow periods of violence or extremely aggressive behavior (Gibbs, 2018), it is anticipated that violence has a powerful bearing on risk rating. Bridger et al. (2017) found that previous instances of reported DA do not provide a reliable indicator as to the risk of further harm. However, the current study finds that victim vulnerability and repeated violence perpetration (n=9) lends well to the use of DVPN/O's. Research has found that the most influential questions within the DASH are those pertaining to victim-described fear (Turner et al., 2019), and whether or not the victim reported that the abuse was getting worse. In the current study it was identified that a perceived lack of victim support discouraged Police engagement and use of the DVPN/O as an intervention.

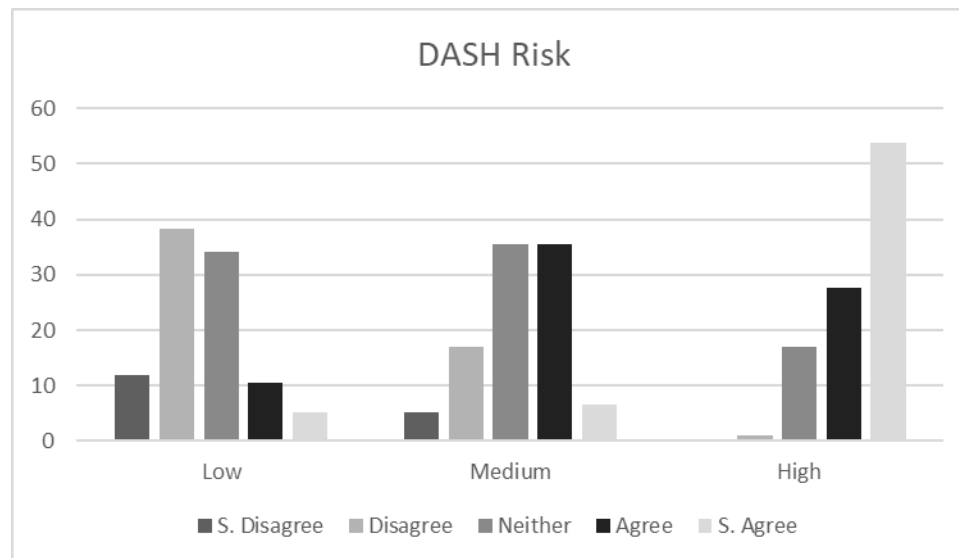
The findings suggest the collective impact, frequency, and severity of previous incidents may lead a Police Officer to believe that a DVPO is necessary. However, analysis indicates that many officers also believe that a DVPO would not be effective if the victim were to "*Play down*" the severity of the violence. This finding is of concern because evidence suggests that most victims minimize violence (Robinson et al., 2018). Herein, a problem with completely 'victim-led' approaches. Furthermore, making a judgement to use a DVPO based on victim engagement, DASH grading, and poor overall risk analysis will be flawed. Additionally, placing a great emphasis on violence when deciding to use a DVPO may also be problematic, given that

coercive and controlling behaviors have been identified as characteristic of much of the abusive behavior observed, which may not inherently feature violence (Robinson, et al., 2018; Bates, 2019; Walby and Towers, 2018).

The dominance of previous violence as a key risk factor may be explained by the precedence set by many legal options in DA which have traditionally focused on incidents of physical violence. For many years the psychological effect of ongoing and programmatic abusive behavior was not part of legal decision-making (Bettinson and Bishop, 2015; Bishop, 2016). The CSA is somewhat restrictive, the legislation places the emphasis on violence (Section 24(1)-(2)); yet, the threshold is relatively low: reasonable belief in a threat of violence will suffice – neither actual violence nor a history of violence is required (Burton, 2015). However, violence or previous violence were reported to be the key risk factors considered by officers in this study ($n=28$). The original intention of the DVPO was for use in cases that were seen as less serious or lower risk (Smith, 2016). However, in implementing the orders, officers are reportedly using a higher risk threshold emphasizing violence in their decision making. The difficulty here is that the majority of DA reports will not meet these thresholds, meaning that opportunities to intervene early are being missed. The intended use of DVPOs was for less serious or lower risk instances (Kelly et al., 2013) these may also not possess higher levels of violence or a higher number of reported instances (Bridger et al., 2017). Therefore to suggest that the orders are for high risk cases neglects instances of low or medium risk which often forms the largest part of DA reports (Turner, et al., 2019). The findings therefore support that reluctant victims, or lower-risk category victims who minimize violence, are less likely to be considered for a DVPO. Burton (2015) highlights that in many cases where a victim is reluctant or unwilling the policing response is poorer and measures often fail in addressing other factors influencing risk.

More accurate predictors may include suicide attempts or a high dominance of risk taking behavior exhibited by a perpetrator (Bridger et al., 2017). However, even these are said to be of poor reliability of absolute risk (Turner et al., 2019). Participants suggested that judgements relating to further harm were impacted by the presence of children, either at the time, or forming part of the relationship (sub code: a). However, not every instance of DA will feature children and this is particularly the case in some same-sex relationships where responses to DA are equally under-research and poorly represented within DA interventions (McClennen, 2005). Fig 1 highlights that the majority of participants agreed or strongly agreed that a higher DASH risk assessment would be a significant indicator to support a DVPN/O intervention. In addition, practitioners strongly disagreed or disagreed that a low DASH risk assessment grading would support a decision to implement a DVPN/O as a low level measure for appropriate cases.

Fig 1: DASH Risk assessment as an influencing factor.



The presence of children was also identified by respondents as relevant to risk decision making, in particular where previous DA had been reported or inferred (Fig 2). An analysis of the DASH risk assessment form shows that most of the questions on it either relate to children or previous behaviors and instances of violence (Turner et al., 2019). The problem therefore, may be that the risk assessment tool guiding practitioner decision making, is too narrow in its focus, which may underpin the problem and result in missed intervention opportunities. Fig 2 indicates that previously reported DA and children feature heavily in DVPN/O implementation and risk perception.

Fig 2: History of DA and Children as factors DVPN/O implementation

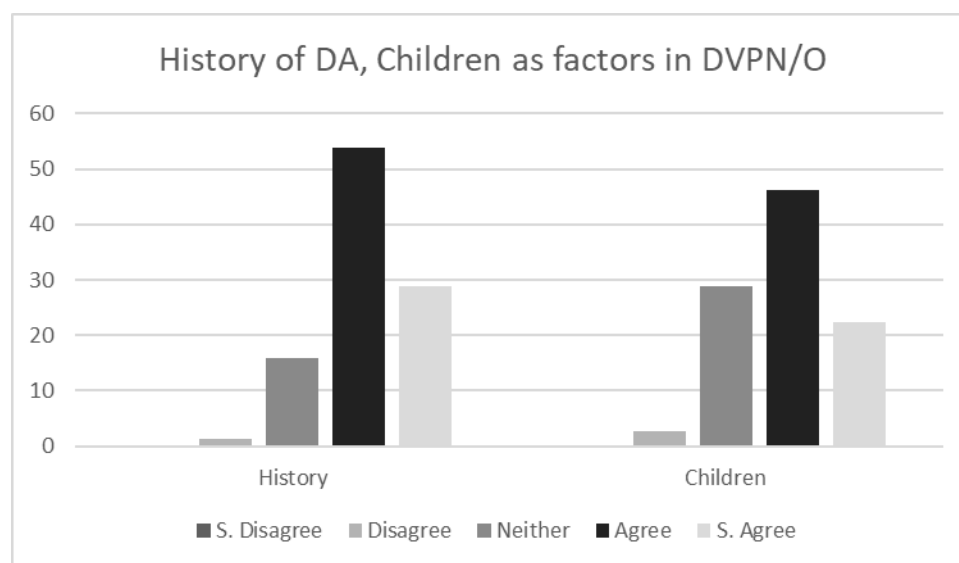


Table 2 also highlights that running throughout each of the main coded data is a reliance on Police information and intelligence (sub code: d). Research around the use of previous information or ‘flagging’ has been found to “*disadvantage the people flagged, despite the presence of theoretically appropriate interventions*” (Kane et al., 2018: p 6). It cannot be established from the current results if the prevalence of flagging DA information disadvantages victims, however, it should be recognized as a contributing factor in future research and

approaches to DA interventions. For example, a study on ‘flagged’ or ‘non-flagged’ victims and police responses may inform the benefits of such flags being available to officers.

Policing Responses and Evidence

Responses to DA are often impacted by the mechanisms and support networks of relatives and family members. Assessed within the current research was the relationship between applying for a DVPN/O and speaking with relatives and family members. Kropp and Hart (2015) emphasised the relevance of the victim’s family and friends when seeking to build a case to support a DVPN/O. This information can help set a context and provide additional evidence to support a victim disclosure. However, Table 3 demonstrates that many practitioners did not value the use of wider evidence of this nature when seeking to make a DVPN/O application. Most ($n=37$) believed that this was conditional and should not supersede traditional forms of evidence despite any value it may possess. This could be potentially limiting to applications and wider evidence of the DA.

Table 3: Information from Relatives and Family Members

Code	Yes, considered within the applications but with conditional merit.	No, not considered and not relevant to applications	Considered within the applications but viewed not relevant	Sometimes considered but left out from the application.
	<i>"...Yes, but not essential..."</i>	<i>"...I am not aware of ever contacting other relative when making the decision to issue a DVPN..."</i>	<i>"...they are but I don't think they are considered..."</i>	<i>"...sometimes. If they are raising credible concerns / highlighting risk..."</i>
	<i>"...Yes, but not often evidenced..."</i>			
	<i>"...Views of relatives can give you a greater insight into the relationship..."</i>	<i>"No. The views of the victim are obtained but not the relatives..."</i>	<i>"...There is a section on the form for this but I don't normally take this into account..."</i>	<i>"...Possibly but I don't ask and don't put it on the form..."</i>
	<i>"...In high risk cases where the victim does not want to agree with DVPN this would be considered more..."</i>	<i>"...Not sure, perhaps not as much as they could be..."</i>	<i>"...Management of risk remains the key and primary focus over relatives and friends..."</i>	<i>"...not necessarily however it could be a factor..."</i>
Total (n) Coded data	37	26	11	5

Note: Qualitative data, question 16: Where a DVPN is considered are the views of relatives important within the decision-making process?

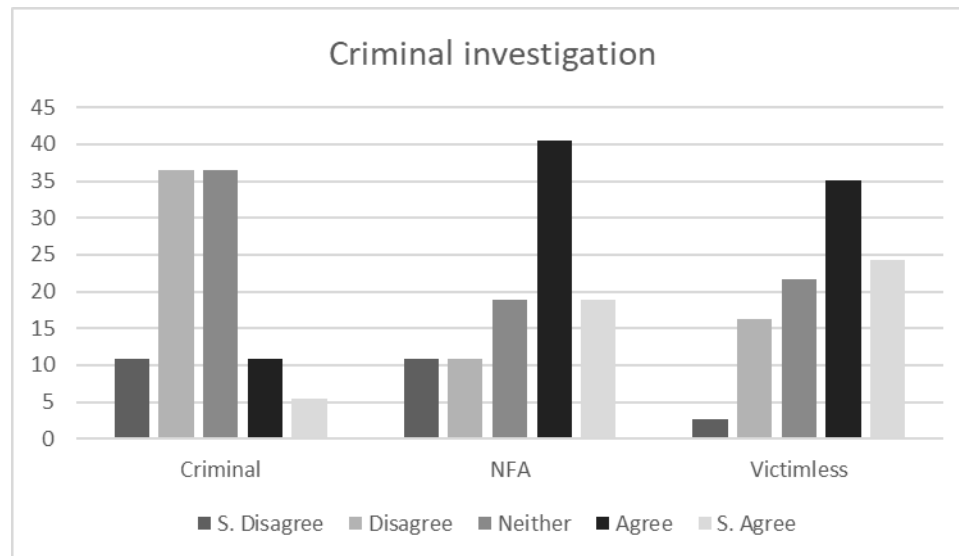
These responses highlight that in many cases the view of relatives and family members are not considered, believed irrelevant or left out of the application. Whilst applications must be based on facts, there is often a reliance on family networks to support victims in the aftermath of DA especially where community resources are lacking (Kropp and Hart, 2015). Information in

support of applications may therefore be found within these wider contacts, even where the victim has not made any relevant disclosure about the DA. The data also refers again to instances of high-risk cases being afforded more time. This generates disparity and polarisation between high and low risk cases; in law enforcement risk assessment is central, however, how risk assessment is conducted has implications for the thoroughness of the investigation and the decisions made (Robinson et al., 2018).

Coker et al. (2002) proposed that in many instances of DA there are benefits to including wider social networks, including family and friends, beyond initial evidence gathering. This inclusion may help stabilize victim networks and facilitate investigators when seeking to engage with the victim in the future or to offer protective arrangements, such as: neutral venues of support, temporary housing and/or childcare arrangements. Within stalking literature (Budd and Mattinson, 2000; Morrison, 2001) there is evidence to support that reaching out to family and friends has been identified as a useful coping strategy for victims of stalking and may be applicable in other instances of DA. This may also be the gateway for investigators to understand wider social problems that may exist within non-intimate relationships on which the victim and perpetrator operate. This could assist in determining the likely success of the DVPN/O as an intervention. One of the key features of the current study was to understand what happened to the criminal investigation once the decision to issue a DVPN/O had been used. Crompton (2014) highlights that DVPN/O's can feature as part of the overall emergency protection measures for victims. However, recent changes to the Code for Crown Prosecutors (CPS, 2018) and the Bail act 1976 (Home Office, 2018) have introduced a new five part test for the consideration of charging suspects to be remanded in custody, and also a limit on the periods of Police bail. This

may have a direct effect on the way in which both bail and remand in custody are used. Within the family setting children are an important feature along with the antecedent of DA.

Fig 3: Criminal Investigation Approaches



The findings of the current study (Fig 3) indicate that practitioners are less likely to consider a continued criminal investigation where a DVPN/O intervention has been used. Investigations are also likely to have resulted in no further action, this gives a further indication that unless new evidence emerges to support a continued criminal investigation then it is unlikely that any investigative follow-up will occur. The effect of this might be that whilst the order is in place victims are not revisited, and evidence may not be examined further to identify new lines of enquiry. However, the findings also indicate that practitioners are likely to consider a continued investigation where strong evidence exists in a so called victimless prosecution – *“Victimless prosecution recognises that complainant withdrawal does not necessarily mean that the [victim] does not wish a prosecution to proceed; it may simply mean that [they] are unwilling or unable to assume responsibility for the prosecution by giving evidence”* (Ellison, 2002. p 6). In these cases there is often other available evidence which is considered sufficient to

prove a criminal offence providing relevant legal gateways are met and the Police do not simply view the case as ‘one word against the other’ (Saunders, 2018).

One of the aims of our study was to review the application of DVPN/O’s by gender using the FOI data. Table 4 (below) details the application of orders by gender across the responding forces in the FOI data; the vast majority of orders are applied to a male perpetrator/female victim dyad. Whilst this is the most common pattern seen within the crime surveys and statistics (e.g., see Office for National Statistics, 2019), the research literature suggests that the public perception of victims of DA differs depending upon whether the perpetrator is male or female. Furthermore, the severity of the DA is also judged differently depending on perpetrator gender (Seelau, et al., 2003). For example, findings suggests that violence against women is evaluated more negatively (e.g., Harris and Cook, 1994); men’s violence towards women is condemned more and more likely to be seen as in need of intervention (e.g., Felson and Feld, 2009), women’s violence is seen as less likely to be illegal (e.g., Sorenson and Taylor, 2005), and men’s violence is more often attributed internally, and women’s externally (Scarduzio et al., 2017). When specifically focusing on perceptions of those within the criminal justice system, research suggests male victims are more likely to be blamed by police officers (e.g., Stewart and Maddren, 1997) and they are less likely to receive a protection order from their female partner compared to women (e.g., Russell, 2012). Male victims are less likely to report assaults by partners than women (Felson and Paré (2005), and it is possible their perception or fear of bias within the system could create a barrier to their help-seeking.

Table 4: National FOI Data on gender data split between victim and perpetrator roles.

	Perpetrator gender where DVPN issued by Police		Victim gender where DVPN issued by Police	
	2016	2018	2016	2018
	<i>Male/Female</i>	<i>Male/Female</i>	<i>Male/Female</i>	<i>Male/Female</i>
<u>Constabulary Area</u>				
Bedfordshire	32 / 3	-	3 / 32	-
Cheshire	160 / 22	121 / 10	17 / 165	12 / 120
Cleveland	0	33 / 4	0	4 / 33
Cumbria	24 / 5	31 / 2	-	31 / 2
Derbyshire	73 / 6	226 / 17	7 / 72	243 / 22
Devon & Cornwall	3 / 1	-	-	1 / 3
Durham	50 / 5	31 / 3	7 / 48	3 / 31
Essex	0	200 / 17	0	23 / 199
Gloucestershire	8 / 0	40 / 2	0 / 8	2 / 40
Greater Manchester	370 / 32	434 / 39	-	47 / 426
Hampshire	28	-	- / 28	-
Hertfordshire	-	34 / 1	-	1 / 34
Kent	257 / 13	92 / 4	24 / 246	7 / 86
Lancashire	93 / 12	56 / 9	10 / 95	9 / 56
Lincolnshire	46 / 2	-	2 / 46	-
Merseyside	446 / 36	483 / 76	446 / 36	77 / 482
Northumbria	0	386 / 21	0	29 / 378
Norfolk	21 / 1	48 / 2	1 / 21	- / 50
Northamptonshire	171 / 8	103 / 5	16 / 163	-
Staffordshire	284 / 49	-	49 / 284	-
Suffolk	16 / 2	-	2 / 16	-
West Yorkshire	-	247 / 28	9 / 77	249 / 24
Wiltshire	31 / 4	36 / -	4 / 31	4 / 32
Dyfed-Powys	31 / 1	55 / 6	3 / 29	7 / 54
North Wales	48 / 3	-	5 / 46	-
South Wales	-	93 / 13	14 / 116	22 / 84

Note: FOI applications were sent to all 43 forces in England and Wales. Absent force data or force(s) denotes that data was not provided due to significant cost of retrieval, or the data was not recorded within the force, or the force did not respond.

Training and Domestic Abuse.

The model of British Police training relies upon analogical adult learning theories with the majority of training being performed in-house (Heslop, 2006). Trinder (2008) observes that *“professionals may not draw on research knowledge because of a reliance on other, less reliable indicators, being: primary training, prejudice and opinion, outcomes of previous cases, fads and fashions, advice from senior and non-senior colleague”* (pp 3-4). Individual Police Forces also construct their own training response to DA so it may be more challenging to accomplish a consistent approach. However, the current study aimed to inform training around DA and also the use of protection orders so that some consistent direction may follow. The majority of the participants within the study reported that much DA training was based on E-learning, bulletin and without trainer contact ($n=25$). The findings also support Trinder’s (2008) observation that training is sometimes reliant on specialist CPD and ‘in-house’ learning which may be symptomatic of previous cases, trends and currently popular approaches.

Of concern was the finding that no formal training had been identified by the practitioners in relation to DVPN/O’s ($n=15$). It is possible that an electronic bulletin or e-learning has not been regarded as ‘formal training’ by the practitioners. Assuming this leads to the suggestion that the training has been ineffective, poor, or inappropriate for the type and nature of the required DVPN/O framework. There was no evidence within any of the data of attention to research or externally critical reports. Presented within table 5 are the findings that suggest training is perceived as inadequate. Absent, is an acknowledgement of the obstacles to Police training which include: (1) frequent leadership changes; (2) national employment and retention issues; (3) a lack of acceptance of the body of knowledge around Policing as a profession; (4) national professional standards being harder to achieve; (5) fears around losing

direct control and the power to impose discipline; (6) loss of flexibility and a lack of conviction with regard to the benefits of Policing (Gates and Green, 2014; Paterson, 2011).

Table 5: Police Officer Training Analysis

Main Code	No formal training identified.	'On the job' experience and experiential learning	E-learning/ process map/ bulletin – non trainer contact.	'In house' Specialist Training Inputs within specialist departments and roles.
	<i>"I don't recall having any training"</i>	<i>"In house learning of processes with working in Public Protection"</i>	<i>"e-learning, 7 minute briefings by e-mail..."</i>	<i>"... public protection directorate and had extensive training in Domestic Abuse..."</i>
	<i>"Nothing extra in relation to DVPN"</i>	<i>"...pick it up as you go along and new things get added all the time..."</i>	<i>"... Very little other than ongoing e-mails about changes..."</i>	<i>"... training days and multi-agency ...working directly with DA victims and perpetrators, MARAC training and CADD risk assessment..."</i>
	<i>"No specific formal training"</i>	<i>"... multi agency days over a period of years...with other professionals"</i>	<i>"... Regular e-learning packages..."</i>	<i>"...numerous and ongoing inputs, including the use of DVPN's"</i>
	<i>"No specific training days"</i>	<i>"...just on the job learning, and advice given to me during tutoring..."</i>	<i>"... E-learning packages & DVPN input - PowerPoint when they first came in..."</i>	<i>"... I have also had specialist training regarding the delivery of a DVPN and applying for a DVPO at court..."</i>
Total (n) Coded data	15	7	25	8

Source: Qualitative data, question 4: What training have you had in relation to the management and investigation of Domestic Abuse?

In order to improve the training approach to DA, participants were asked to indicate what improvements could be made to the current approach (Table: 6). Practitioners identified three approaches which they felt would be most beneficial: (1) cross-discipline approaches ($n=27$); (2) wider knowledge beyond own specialism ($n=18$); (3) victim stories and accounts ($n=9$). The desire to see wider approaches to DA and also hear from victims demonstrates a will to have a more victim-centered approach. In a number of publications (CJJI, 2012; HMIC & HMCPSI, 2013) there has been a consistent theme for joint training between the Police, CPS, Court staff and Witness Care in relation to the management and treatment of witnesses.

In some Police case files, the languages used to describe DA cases has conformed to three dominant speech genres: impartiality, credibility, and the “real” victim (Lea and Lynn, 2012). The current study may support these genres originating from years of informal, or ‘in house’ training (table: 5) which may have in-built bias. Victim accounts can often feature in research (e.g., see Baumeister et al., 1990; Bates, 2019) but there is still resistance from the police to move to academic collaborations with limited evidence of the effects that this may have on the personal development of Police Officers and staff (Tong and Wood, 2011). Arguably the result is that research and expert experience is not as influential in police learning as it might be (Kebbell et al., 2007; CJJI, 2015; HMIC, 2015). Hearing victim stories may also help Police practitioners to adopt more appropriate language to describe aspects of domestic abuse, such as control or why victims remain with abusive partners.

Table 6: Practitioner informed training improvement

Code	Victim Stories and accounts	Cross-discipline approaches	Wider knowledge out with specialisms
	<p><i>“...case studies that show the variety of safeguarding measures that can be put in place...”</i></p> <p><i>“...presentation from DA victims and how they feel at the time...”</i></p> <p><i>“...victim and perpetrator stories to support services...”</i></p> <p><i>“...we need to hear from victims and offenders to understand their perspectives and views...”</i></p>	<p><i>“...legal staff giving inputs to officers re DVPNs... super[intendant] giving inputs to officers about what is important...”</i></p> <p><i>“...Greater understanding in dealing with same sex relationships...”</i></p> <p><i>“...Training by experts and not other cops...”</i></p> <p><i>“... more input from CPS...”</i></p> <p><i>“...to include and input from the courts on what they look for...”</i></p>	<p><i>“...training to not be limited to specialist units...”</i></p> <p><i>“...generational theory and child abuse...”</i></p> <p><i>“...Advice on where and when DA charities and advisors can step in...”</i></p> <p><i>“...More involvement with joint training with police officers and detectives...”</i></p> <p><i>“...perpetrators mindset of beliefs and the victim’s mindset when failing to report...”</i></p>
Total (n) Coded data	9	27	18

Source: Qualitative data, question 6: What, if any, are the improvements you would make to Domestic Abuse training?

Implications for Practice and Policy

Emergency Barring Orders (EBO) may increase as responses to DA move to respond to increasing, and immediate, risk demands where victims may not benefit from traditional criminal justice responses. It is recommended to practitioners that these are managed alongside preventative approaches and referrals to victim support and perpetrator programs. Kelly et al. (2013) highlights that opportunities in current EBO interventions are limited to those cases seen as possessing greatest risk. The findings within this paper support this, showing that victim compliance is a factor and in most cases, this is suggested alongside higher risk. It is recommended to practitioners that a complete victim-led approach will not adequately address the effective application of DVPN/O's. The application of DVPN/O's should be risk-led and occur irrespective of DASH grading, and in some cases victim support, to prevent late and ineffective interventions. The effect of the current system creates an unequal response to DA overall; of equal importance are those cases of lower and medium risk of which an EBO may be the best response. A wholly traditional prosecution based approach is proposed as limited, especially in cases where the desire is for the relationship to continue but with support. Whilst this data concerned the application of a DVPN/O it is not impossible for these findings to be applicable in other risk assessment scenarios: stalking; harassment; non-violent DA. However, policy makers should adopt a practitioner focused application analysis within the roll-out of new preventative orders. This would allow an understanding of how orders are applied.

Policing practitioners, and policy makers, should move towards a structured professional judgement toolkit for risk assessment in DA (See for example SARA model: Kropp and Hart, 2015) and away from a reliance on the DASH. In practice this may mean that full and longer-term risk assessments take place using information from victims, perpetrators and families; a

contextual approach to safeguarding victims (Firmin, et al., 2019). This may improve access to preventative orders by victims where risk is more coherently and consistently identified. In practice a reliance on the DASH as an indicator for DVPO suitability should not be offered as best practice because of the limitations identified around re-victimization judgements (Kelly et al. 2019). Police and policy makers should focus DA training on victim's accounts and cross-discipline approaches, avoiding where possible e-learning or any completely absent approach to training and CPD. This should involve evidence-led approaches around cases where victims do not support interventions but the case offers suitable risk especially where minimizing behavior is evident. This should also focus on men and women as victims in order to see that DVPOs are applied consistently regardless of victim gender, the approach suggested is anti-abuse and not stereotypical gendering of abuse. The impacts of a completely victim-bias approach within an investigative environment are that opportunities are missed for risk-led intervention: such as a DVPO. A risk mitigation approach, similar to that suggested in *Osman v United Kingdom*, should be taken, and where implemented, there should be a consistent approach to managing prohibitions concurrent with other DA responses. In practice this should be accompanied by referrals, mediation, and support where appropriate.

References

- Adler, M.A., Lovett, J., Coulson, M., Kernohan, D. and Gray, M., (2013). Evaluation of the Pilot of Domestic Violence Protection Orders.
- Ashley, A., (2013). HO Impact Assessment 2013. London. Available at:
[https://www.gov.uk/government/publications/domestic-violence-protection-orders--2\)](https://www.gov.uk/government/publications/domestic-violence-protection-orders--2)
- Bates, E. A., Graham-Kevan, N., Bolam, L. T., and Thornton, A. (2016). Review of domestic violence perpetrator programmes in the UK. *PSYPAG*
- Bates, E., (2019) “Walking on egg shells”: a qualitative examination of men’s experiences of intimate partner violence. *Psychology of Men and Masculinities*. Available at:
<http://insight.cumbria.ac.uk/id/eprint/4194/>
- Bartkowiak-Théron, I., and Asquith, N. L. (2012). The extraordinary intricacies of policing vulnerability. *Australasian policing: a journal of professional practice and research*, 4(2), 43-49.
- Bartkowiak-Theron, I., and Asquith, N. L. (2012). Policing vulnerability.
- Baumeister, R. F., Stillwell, A., and Wotman, S. R. (1990). Victim and perpetrator accounts of interpersonal conflict: Autobiographical narratives about anger. *Journal of personality and social psychology*, 59(5), 994.
- Benitez, C.T., McNiel, D.E. and Binder, R.L., (2010). Do protection orders protect? *Journal of the American Academy of Psychiatry and the Law Online*, 38(3), pp.376-385.
- Bessant, C. (2015). Protecting Victims of Domestic Violence—Have We Got the Balance Right?. *The Journal of Criminal Law*, 79(2), 102-121.

- Bishop, C., and Bettinson, V. (2017). Evidencing domestic violence*, including behaviour that falls under the new offence of ‘controlling or coercive behaviour’. *The International Journal of Evidence & Proof*, 1365712717725535.
- Braun, V., Clarke, V., and Terry, G. (2014). Thematic analysis. *Qual Res Clin Health Psychol*, 24, 95-114. doi: 10.1007/978-1-137-29105-9_7
- Bryant, R., Cockcroft, T., Tong, S., and Wood, D. (2013). POLICE TRAINING AND EDUCATION. The future of policing, 383.
- Bridger, E., Strang, H., Parkinson, J. and Sherman, L.W., (2017). Intimate partner homicide in England and Wales 2011–2013: Pathways to prediction from multi-agency domestic homicide reviews. *Cambridge Journal of Evidence-Based Policing*, 1(2-3), pp.93-104.
- Burton, M. (2015). Emergency barring orders in domestic violence cases: What can England and Wales learn from other European countries. *Child & Fam. LQ*, 27, 25.
- Budd, T., Mattinson, J., and Myhill, A. (2000). The extent and nature of stalking: Findings from the 1998 British Crime Survey. London: Home Office.
- CJJI. (2015). Witness for the prosecution: Identifying victim and witness vulnerability in criminal case files. *Criminal Justice Inspectorates*: Home Office. London.
- Crompton, L. (2014). DVP notices and orders: Protecting victims or the public purse. *Family law*, 44(1), 62-68.
- College of Policing (2016) Major investigation and public protection Using domestic violence protection notices and domestic violence protection orders to make victims safer. College of Policing. London. Available at: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive->

approaches/domestic-violence-protection-notices-and-domestic-violence-protection-orders/)

Coker, A. L., Smith, P. H., Thompson, M. P., McKeown, R. E., Bethea, L., and Davis, K. E.

(2002). Social support protects against the negative effects of partner violence on mental health. *Journal of women's health & gender-based medicine*, 11(5), 465-476.

Ellison, L. (2002). Prosecuting domestic violence without victim participation. *The Modern Law Review*, 65(6), 834-858.

Felson, R. B., and Feld, S. L. (2009). When a man hits a woman: Moral evaluations and reporting of violence to the police. *Aggressive Behavior*, 35, 477-488.

doi:10.1002/ab.20323

Firmin, C., Eastman, A., Ian Wise, Q.C. and Proschaka, E., (2019). A Legal Framework for Implementing Contextual Safeguarding.

Gibbs, P., (2018). Love, fear and control—does the criminal justice system reduce domestic abuse?.

Harris, R. J., and Cook, C. A. (1994). Attributions about spouse abuse: It matters who the batterers and victims are. *Sex Roles*, 30, 553-565. doi:10.1007/BF01420802

Heslop, R., (2006). 'Doing a Maslow': Humanistic education and diversity in police training. *The Police Journal*, 79(4), pp.331-341.

Home Office (2018) Bail and refusal of bail by criminal courts and police officers. Home Office:

London. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762436/bail-and-refusal-of-bail-by-criminal-courts-and-police-officers-v3.0ext.pdf

- HM Government. (2019). Transforming the Response to Domestic Abuse: Consultation Response and Draft Bill. London. 978-1-5286-0923-4
- HMIC (2014) Everyone's business: Improving the police response to domestic abuse, (<https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf>)
- HMIC. (2015) Police effectiveness 2015 (vulnerability) - A national overview. HMIC: London
- Kane, E., Evans, E., Mitsch, J., Jilani, T., Quinlan, P., Cattell, J. and Khalifa, N., (2018). Police interactions and interventions with suspects flagged as experiencing mental health problems. *Criminal Behaviour and Mental Health*, 28(5), pp.424-432.
- Kelly, L., Adler, J.R., Horvath, M.A., Lovett, J., Coulson, M., Kernohan, D. and Gray, M., (2013). Evaluation of the Pilot of Domestic Violence Protection Orders. Home Office Science: (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf)
- Kebbell, M. R., and O'Kelly, C. M. E. (2007). Police detectives' perceptions of giving evidence in court. *Policing-an International Journal of Police Strategies & Management*, 30(1), 8-20. doi:10.1108/13639510710725596
- Kropp, P.R. and Hart, S.D., (2015). SARA - V3: User Manual for Version 3 of the Spousal Assault Risk Assessment Guide.
- Lea, S.J. and Lynn, N., (2012). Dialogic reverberations: police, domestic abuse, and the discontinuance of cases. *Journal of interpersonal violence*, 27(15), pp.3091-3114.
- Lynn, N. (2012). Dialogic reverberations: police, domestic abuse, and the discontinuance of cases. *Journal of interpersonal violence*, 27(15), 3091-3114.

- McClennen, J. C. (2005). Domestic violence between same-gender partners: Recent findings and future research. *Journal of interpersonal violence*, 20(2), 149-154.
- Office for National Statistics (2019) Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2018. [Online] Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusefindingsfromthecrimesurveyforenglandandwales/yearendingmarch2018#effects-of-partner-abuse-and-medical-support>
- Robinson, A. L., Pinchevsky, G. M., and Guthrie, J. A. (2018). A small constellation: risk factors informing police perceptions of domestic abuse. *Policing and society*, 28(2), 189-204.
- Rosenfeld, B. (2004). Violence risk factors in stalking and obsessional harassment: A review and preliminary meta-analysis. *Criminal justice and behavior*, 31(1), 9-36.
- Russell, B. L. (2012). Effectiveness, victim safety, characteristics and enforcement of protection order. *Partner Abuse*, 3(4), 531-552
- Saunders, C.L., (2018). Rape as ‘one person’s word against another’s’ Challenging the conventional wisdom. *The International Journal of Evidence & Proof*, 22(2), pp.161-181.
- Smith C, (2015) Hertfordshire Constabulary, Domestic Abuse & Honour Based Violence Standing Operating Procedure, unpublished.
- Smith. C, (2016) A Case Control Analysis of Offenders Issued with Domestic Violence Protection Orders (DVPOs) in Hertfordshire: A Retrospective and Prospective Study. Unpublished.
- Scarduzio, J. A., Carlyle, K. E., Harris, K. L., and Savage, M. W. (2017). “Maybe she was provoked”: Exploring gender stereotypes about male and female perpetrators of intimate

- partner violence. *Violence against Women*, 23(1), 89-113. doi: 10.1177/1077801216636240
- Seelau, E. P., Seelau, S. M., and Poorman, P. B. (2003). Gender and role-based perceptions of domestic abuse: Does sexual orientation matter?. *Behavioral Sciences & the Law*, 21(2), 199-214. doi: 10.1002/bsl.524
- Sorenson, S. B., and Taylor, C. A. (2005). Female aggression toward male intimate partners: An examination of social norms in a community-based sample. *Psychology of Women Quarterly*, 29, 78-96. <https://doi.org/10.1111/j.1471-6402.2005.00170.x>
- Stewart, A., and Maddren, K. (1997). Police officers' judgements of blame in family violence: The impact of gender and alcohol. *Sex Roles*, 37(11-12), 921. doi: 10.1007/BF02936347
- Turner, E., Medina, J. and Brown, G., (2019). Dashing hopes? The predictive accuracy of domestic abuse risk assessment by police. *The British Journal of Criminology*, 59(5), pp.1013-1034.
- Trinder, L. (Ed) (2008). Evidence-based practice: A critical appraisal. London: John Wiley & Sons.
- Walby, S., and Towers, J. (2018). Untangling the concept of coercive control: Theorizing domestic violent crime. *Criminology & Criminal Justice*, 18(1), 7-28.